NOTIFICATION.

No. L.D. 1048—Legis. 37-49-6, dated Bangalore, 9th February 1950. 69

Ordered that the accompanying Constitution (Removal of Difficulties) Order No. III, published in the *Gazette of India*, dated the 26th January 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

C. O. 6

THE CONSTITUTION (REMOVAL OF DIFFICULTIES) ORDER No. III.

In exercise of the powers conferred by clause (1) of article 392 of the Constitution of India, the President is pleased to make the following Order, namely :—

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order, No. III.

(2) It shall come into force at once.

2. During the period of two years from the commencement of this Order, the Constitution of India shall have effect subject to the following adaptations :—

(1) Article 149 shall be renumbered as clause (1) of that article and the following clauses shall be added thereto, namely :—

"(2) Nothing in clause (1) shall apply in relation to the accounts for the period beginning on the twenty-sixth day of January, 1950, and ending on the thirty-first day of March, 1950, of any State specified in Part B of the First Schedule, and the provisions relating to the audit of the accounts of such State in force immediately before the commencement of this Constitution shall continue to have effect in relation to the accounts for the said period of such State.

(3) In its application to the Patiala and East Punjab States Union, clause (2) shall have effect as if for the reference therein to the thirty-first day of March, 1950, there was substituted a reference to the twelfth day of April, 1950."

(2) To article 270, the following clause shall be added, namely :—

"(5) Any order in force immediately before the commencement of this Constitution relating to the distribution between the Dominion of India and the Provinces of the net proceeds in the financial year ending on the thirty-first day of March, 1950, of taxes on income other than agricultural income shall, on such commencement, continue to have effect and be deemed to be an order made under this article relating to the distribution between the Union and the corresponding States of such net proceeds."

(3) To article 273, the following clause shall be added, namely:—

"(4) Any order in force immediately before the commencement of this Constitution assigning to the Provinces of Assam, Bihar, Orissa or West Bengal any share of the net proceeds in the financial year ending on the thirty-first day of March, 1950, of any export duty on jute or jute products shall, on such commencement, continue to have effect and be deemed to be an order made under this article prescribing the sum so assigned as grant-in-aid of the revenues of the corresponding State."

(4) To article 275, the following clause shall be added, namely :—

"(3) Any order in force immediately before the commencement of this Constitution prescribing any sum to be charged on the revenues of India in the financial year ending on the thirty-first day of March, 1950, as grant-in-aid of the revenues of any Province shall, on such commencement, continue to have effect and be deemed to be an order made by the President under this article providing such sum as grant-in-aid of the revenues of the corresponding State."

(5) To article 390, the following shall be added, namely :—

"or is authorised in accordance with the provisions of article 390A".

(6) After article 390, the following article shall be inserted, namely :—

"390A. (1) If in respect of the financial year ending on the thirty-first day of March, 1950, further expenditure from the revenues of India becomes necessary over and above the expenditure theretofore authorised for that year, the President shall cause to be laid before Parliament a supplementary statement showing the estimated

Provisions as to supplementary grants in respect of the year ending 31st March 1950.

71

amount of that expenditure, and the provisions of sections 33, 34 and 35 of the Government of India Act, 1935, shall subject to necessary modifications have effect in relation to that statement and that expenditure as they would have had effect in relation to the annual financial statement and the expenditure mentioned therein if this Constitution had not come into force.

(2) If in respect of the said financial year further expenditure from the revenues of a State specified in Part A of the First Schedule becomes necessary over and above the expenditure theretofore authorised for that year, the Governor of the State shall cause to be laid before the House or Houses of the Legislature of the State a supplementary statement showing the estimated amount of that expenditure, and the provisions of sections 78, 79 and 80 of the Government of India Act, 1935, shall subject to necessary modifications have effect in relation to that statement and that expenditure as they would have had effect in relation to the annual financial statement and the expenditure mentioned therein if this Constitution had not come into force.

(3) If in respect of the said financial year expenditure from the revenues of a State specified in Part B of the First Schedule becomes necessary over and above the expenditure theretofore authorised for that year, the Rajpramukh of the State shall authorise such expenditure in accordance with the rules in force immediately before the commencement of this Constitution governing the authorisation of such expenditure from the revenues of the corresponding Indian State subject to necessary modifications."

(4) In their application to the Patiala and East Punjab States Union, this article and article 390 shall have effect as if for any reference therein to the thirty-first day of March, 1950, there was substituted a reference to the twelfth day of April, 1950."

(7) Paragraph 13 of the Sixth Schedule shall be renumbered as sub-paragraph (1) of that paragraph, and the following sub-paragraph shall be added thereto, namely :—

"(2) The provisions of sub-paragraph (1) shall not apply in relation to the annual financial statement in respect of the financial year beginning on the first day of April, 1950, to be laid before the Legislature of Assam under article 202."

RAJENDRA PRASAD,

President.